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ON THE PATH TO THE EU: STRENGTHENING ECONOMIC RESILIENCE OF UKRAINE'S JUSTICE AREA

Tetiana Kolomoiets¹, Olena Agapova², Marcin Orzechowski³

Abstract. This study examines the process of integrating public administration entities within the Justice Area into the European Union's legal and administrative framework, with a particular focus on the economic dimensions of these transformations. It is widely acknowledged that the enhancement of administrative and legal regulation is of paramount importance for the attainment of EU membership, as it serves to promote both institutional efficiency and economic stability. The accelerated legislative adaptation amidst the ongoing war serves to illustrate Ukraine's resilience in aligning its governance structures with EU standards, with the objective of improving public administration efficiency, human rights protections and economic sustainability. The research identifies key reforms in the justice sector, including the digitalisation of legal aid, modernisation of the penitentiary system and streamlining of the notarial process. These reforms are not only advancements in the judicial system but also strategic steps to attract foreign investment by improving the rule of law and reducing corruption. The economic benefits of these reforms include increased investor confidence, more optimal resource allocation within the justice system, and cost reductions through digital transformations. The study's key findings highlight the role of public administration entities in fostering economic stability. For example, reforms in insolvency and restructuring, in accordance with EU Directive 2019/1023, serve to enhance the resilience and efficiency of the business climate. Furthermore, initiatives to modernise forensic services and digitise justice processes have the additional benefit of reducing systemic costs, thereby promoting transparency and economic competitiveness. The study reaches the conclusion that Ukraine's integration into the European Justice Area is as much an economic endeavour as it is a legal and administrative one. The reinforcement of public administration mechanisms in the justice sector serves to bolster macroeconomic stability, facilitate sustainable development and position Ukraine as a pivotal economic partner within the European legal and financial ecosystem. These endeavours illustrate a dedication to harmonising governance and economic frameworks with EU standards, thereby ensuring mutual benefits for both Ukraine and the EU.

Keywords: justice area, Ministry of Justice of Ukraine, public administration, resilience, legal economic, international support.

JEL Classification: K10, F50, F60

1. Introduction

The process of European integration of Ukraine has been ongoing for a considerable period of time. One of the principal objectives on the path to EU membership is the integration of public administration entities within the Justice Area, which is of critical importance. This necessitates improvements in the

administrative and legal regulatory framework and the public administration system. In this context, the harmonisation of national standards with EU regulatory frameworks is of great consequence, ensuring more effective implementation of public administration and human rights protections in Ukraine. Ukraine's commitment to reforms in public

¹ Zaporizhzhia National University, Ukraine (*corresponding author*)

E-mail: t_deputy@ukr.net

ORCID: <https://orcid.org/0000-0003-1101-8073>

² Riga Stradiņš University, Latvia;

Scientific Research Center of Independent Forensic of the Ministry of Justice of Ukraine, Ukraine

E-mail: agapova-lena-@ukr.net

ORCID: <https://orcid.org/0000-0003-1024-0238>

³ University of Szczecin, Institute of Political Science and Security Studies, Poland

E-mail: marcin.orzechowski@usz.edu.pl

ORCID: <https://orcid.org/0000-0001-7272-6589>



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administration, aligned with European best practices in the justice area, facilitates the implementation of essential reforms across relevant clusters.

The process of adapting Ukraine's legislation, particularly in the context of a full-scale war, is currently progressing at an accelerated pace. It is evident that political and military developments have a significant impact on various aspects of public and societal life, thereby creating an objective need for the expeditious implementation of mechanisms to adapt the national legal system. The endeavours of public administration entities in the Justice Area are markedly focused on facilitating the adaptation of regulatory acts pertaining to the protection of human rights, the digitalisation of administrative processes, the accessibility of public services for citizens, the provision of free legal assistance, the effective functioning of judicial-expert activities, the criminal-executive systems, and other justice-adjacent legal institutions in accordance with European standards (Agapova, 2024).

It is of paramount importance to facilitate Ukraine's successful recovery, not only for the benefit of Ukraine itself, but also for the European Union and all other international actors (Abuseridze et al., 2024). Furthermore, ensuring the successful implementation of reforms in the justice sector (specifically within the executive branch) is also a critical component for effective public administration, which is a cornerstone of democracy (Kolomoiets and Agapova, 2024).

2. Methodology

This study's methodology is based on a comprehensive review of existing literature, including books, scientific journals, official legal documents, and European Union publications. By employing a variety of scientific methods, the study explores the relationships that arise within the justice sector as Ukraine actively seeks integration with the European Justice Area. The methodology employed utilises a range of analytical techniques, including comparative analysis, legal norm interpretation, induction and deduction. These methods are specifically designed to provide a nuanced understanding of the legislative alignment between Ukraine and the EU.

The analytical method enables the authors to identify key patterns and trends within the justice sector's public administration functions, thereby providing a detailed account of its operations. By employing comparative and interpretive methods, the study analyses pertinent legal documents, meticulously examining the procedures that guarantee Ukrainian legislation is in accordance with EU law. This alignment is highlighted as a vital defence mechanism against Russian foreign policy influences.

The research is informed by both inductive and deductive methods, enabling the authors to draw well-founded conclusions. This multi-methodological approach provides a nuanced understanding of the legislative adaptation process in Ukraine's justice sector. The findings provide valuable insights for policymakers and academics seeking to comprehend the justice sector's role in optimising public administration processes and emphasise the strategic significance of Ukraine's integration into the European Justice Area.

3. Literature Review

In the course of reviewing the scientific literature, particular attention was paid to the works of authors including Adam Łazowski, Olesya Radyshvska, Kseniia Smyrnova, Tetiana Anakina, Tetiana Komarova, Ivan Yakoviuk, and others. In her article "Enforcement of the EU Association Agreement in the Legal System of Ukraine: Judicial Practice", Kseniia Smyrnova emphasises that "...while it is tempting to accelerate the alignment of legal systems, this is not always the optimal solution. As noted, a substantial body of EU secondary legislation can be transposed through legal transplantation, functioning effectively even well before accession. However, for many other EU regulations, their implementation is inextricably linked to membership in the Union." (Smyrnova, 2024) Supporting this view, the scholar Bohdan Veselovskyi underscores that "Chapter 23 'Rule of Law and Fundamental Rights and Freedoms' serves as a litmus test of a candidate country's readiness to uphold EU values and standards, requiring a comprehensive overhaul of the judicial and legal system, the implementation of stringent anti-corruption measures, and the protection of fundamental rights and freedoms. Fulfilling the requirements of this chapter not only facilitates EU accession but also promotes sustainable democratic governance and the rule of law in the candidate country." (Veselovskyi, 2024)

In addition, Chapter 24 "Justice, Freedom and Security" is of considerable importance for the judicial area in Ukraine and should be seen in conjunction with Chapter 23 on improving public administration processes. Olesya Radyshvska has noted that "...the EU has repeatedly emphasized in its documents that its foreign policy towards third countries should be based on the concept of Europeanization. For instance, several EU countries have adapted 'accession' *acquis* as part of meeting EU membership criteria. However, the spread of common European democratic values in third countries under the EU's 'integration without full membership' approach, which aims to create shared economic, political, security, educational, administrative, and legal

spaces, presents an extremely complex task. The EU indeed supports Europeanization, yet the effectiveness of this process depends on the willingness and ability of third countries to 'Europeanize.'" (Radyshvska, 2021)

The argument put forth by Adam Łazowski and Tetiana Komarova is logical and well-reasoned: "...during the time of full-scale Russian aggression, Ukraine finds itself at an unprecedented point of real potential for EU membership and unity with the European family. This potential is simultaneously tied to the extremely challenging task of aligning Ukraine's legal system with the EU *acquis*. This alignment has become a serious test, reflecting Ukraine's level of maturity and readiness – alongside that of its state bodies and judiciary – for membership in a supranational entity like the EU." (Łazowski and Komarova, 2024) The economic implications of these reforms are further highlighted by the necessity for Ukraine to embark on a process of recovery and reconstruction in the context of the ongoing military aggression it is facing (Abuseridze et al., 2022).

Despite the extensive academic discourse addressing the international community's initial economic support for Ukraine, numerous unresolved issues persist, which this article seeks to explore. Nevertheless, the question of integrating public administration institutions within the justice sector remains a largely unexamined topic.

4. Research Results

The strategic imperative to enhance Ukraine's co-operation with the European Community in the justice sector extends beyond the scope of traditional bilateral agreements. The objective is to reinforce institutional capabilities, uphold the rule of law, facilitate the exchange of expertise in legal assistance, attract investment resources, and enhance national public administration institutions in accordance with European legal standards. A comprehensive commitment to the strengthening of the rule of law and the administration of justice serves to unify the justice sectors of Ukraine and Europe. Co-operation between Ukraine and the EU is a key component of the European Neighbourhood Policy – Eastern Partnership (Agapova, Institutional system of the General Competencies Subjects of Public Administration in the Extrajudicial Justice Area, 2024). The European community has acknowledged this strategic priority, as evidenced by the emphasis placed on it in its various acts, recommendations, and programmatic documents. These documents underscore a collective commitment to shared goals of regional stability, governance, and legislative alignment.

The mutual commitment to fostering co-operation is not merely rhetorical; both Ukraine and the EU are actively engaged in the cultivation of a sustainable

and resilient partnership. The incorporation of public administration entities into the European Justice Area serves to illustrate the extent of this collaboration. The co-operation initiatives in the justice sector pursued by Ukraine have twofold objectives: firstly, to enhance the country's own legal and institutional framework, and secondly, to make a substantial contribution to the stability of a unified European order.

It is worthy of note that the successful implementation of justice reforms represents a key indicator of Ukraine's preparedness for EU integration. Nevertheless, in order to successfully achieve the goals of European integration and advance reforms in Ukraine's justice sector, it is vital to define the range of entities that, by virtue of their functions, are responsible for public relations in this crucial sector.

In this context, it is possible to distinguish between actors who are directly involved in justice activities (under the judicial branch) and those whose roles are situated within extrajudicial (administrative) justice, primarily within the executive branch. The functional categorisation by core activity areas facilitates the identification of public administration entities within the domain of extrajudicial (administrative) justice. These include those engaged in expert support for justice, enforcement of court and other official decisions, criminal penalties and probation, notarial services, the provision of free legal aid, activities of insolvency trustees and bankruptcy oversight, and archives and records management. The legal status of these public administration entities within the justice sector, coupled with their subordination to the Ministry of Justice, provides a rationale for adopting a scholarly perspective that these entities are intrinsically linked to the justice domain.

This study will concentrate on instances of successful integration of public administration entities into the European Justice Area, specifically in the context of extrajudicial (administrative) justice. The outcome of the accelerated reform of public administration in accordance with the EU's defined stages is evident in the 2024 Enlargement Package Report published by the European Commission on October 30, 2024 (Communication from the commission to the European Parliament, the council, the European economic and social Committee and the Cmmittee of Regions 2024: Commission staff working document of 30.10.2024 SWD(2024) 699 final, 2024). As evidenced in this document, Ukraine has made significant progress in implementing democratic reforms, advancing the rule of law, and effecting systemic transformations. In light of the reform measures delineated by the European Commission, it is imperative to prioritise their implementation within Ukraine's justice sector.

The principal areas of analysis are the major operational directions and achievements that have

been implemented in alignment with the European trajectory in the justice sector. Ukraine's alignment with European Union standards in the justice area has significant economic implications, particularly with regard to anti-corruption measures, the prevention of financial crimes, and the broader facilitation of a transparent and competitive economic environment. Corruption and financial crime have a detrimental impact on economic stability, deterring foreign investment and impeding development (Abuseridze, 2020). The principal areas of analysis are the major operational directions and achievements that have been implemented in alignment with the European trajectory in the justice sector. Ukraine's alignment with European Union standards in the justice area has significant economic implications, particularly with regard to anti-corruption measures, the prevention of financial crimes, and the broader facilitation of a transparent and competitive economic environment. Corruption and financial crime have a detrimental impact on economic stability, deterring foreign investment and impeding development (Abuseridze, 2020).

The harmonisation of public administration practices with EU frameworks facilitates international financial aid and investment, as donor confidence increases with greater regulatory transparency and accountability. To illustrate, the implementation of European-style bankruptcy procedures and insolvency practices provides businesses with predictable and fair mechanisms to navigate financial difficulties, thus promoting entrepreneurship and resilience. Moreover, adherence to EU anti-corruption strategies reinforces fiscal discipline and ensures the optimal allocation of economic resources. The implementation of these reforms collectively positions Ukraine as a reliable partner in the international economic arena and paves the way for sustained economic integration with the EU market.

From 2023 to 2024, significant reforms were carried out in all areas of Ukrainian justice, with notable achievements including: 1) adoption of legislation supporting the EU integration path; 2) improvement of administrative mechanisms for the provision of free legal aid; 3) reform of the notary system; 4) reform of the penitentiary system; 5) reform of expert support to the judiciary; and 6) implementation of an effective European public administration model for the enforcement of court and other official decisions.

In the legislative field, in order to ensure the EU integration path, there has been significant progress in aligning with EU standards in the field of justice. As part of this integration work, public administration bodies in the justice sector have contributed to the drafting of numerous legal and regulatory acts. A key example is the Law of Ukraine "On Administrative Procedure" of February, 17 2022, No. 2073-IX (The Law of Ukraine "On Administrative Procedure",

2022), which is a milestone in administrative law and a testament to adherence to European legal principles. Since the commencement of EU accession negotiations, Ukraine has engaged in discussions with the objective of ensuring that its national legislation is aligned with the current EU legal framework. This is with a view to ensuring effective implementation and application across the relevant negotiating clusters and chapters. Particularly crucial in the EU integration process is Cluster 1, entitled "Foundations of EU Accession". This includes Chapters 23 and 24, entitled "Judiciary and Fundamental Rights" and "Justice, Freedom and Security", respectively. Both of these chapters are directly relevant to Ukraine's justice sector.

A further crucial element of Ukraine's European integration reform process is the reinforcement of administrative procedures pertaining to the provision of free legal assistance. A further crucial element of Ukraine's European integration reform process is the reinforcement of administrative procedures pertaining to the provision of free legal assistance. There has been a positive trend in the adoption of digital solutions, including the creation of mobile applications such as "IDRights" and "Your Rights," as well as social media engagement, Telegram and Viber chatbots with automated response systems (Action Plan of the Ministry of Justice of Ukraine, 2022-2024). Significant progress has been made with the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) (How the Istanbul Convention will help the FLA system protect the rights of victims of domestic violence, 2022), as well as the pilot project to involve psychologists in criminal cases involving minors through regional free secondary legal aid centres (The Ministry of Justice: European integration. 500 days of full-scale war, 2023).

In the notary sector, significant efforts are being made to create a unified notary system based on the best practices of European countries, digitalization of notarial activities, self-regulation of the profession, mediation and out-of-court establishment of legally significant facts. The Ministry of Justice of Ukraine, the Pravo-Justice project, the Notary Chamber and other stakeholders are actively involved in these reforms. A striking example is the initiative of the Ministry of Justice, the Ministry of Digital Transformation and the Notary Chamber of Ukraine to digitise notarial processes and reduce the use of paper. The potential for notaries to take on mediation functions is also seen as a reform area that is fully in line with Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (Directive 2008/52/EC of the European Parliament

and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, 2008).

The reform of Ukraine's penitentiary system encompasses a range of comprehensive measures, collectively aimed at raising human rights standards, establishing a humane system of criminal penalties, ensuring effective rehabilitation of convicted persons, and reducing recidivism (Agapova, European Integration in the Justice Area of Ukraine: the Main Directions of Reforms, 2024). A number of organisations have played a pivotal role in these reforms, including the Ministry of Justice of Ukraine, the Norwegian Mission of Rule of Law Advisers to Ukraine, the "For the sake of life" project, Pravo-Justice, the Supporting Reconstruction through Smart Fiscal Governance (SURGE) initiative, and EU-led projects such as the "EU Action Against Drugs and Organised Crime" (Reforming Ukraine's penitentiary system, 2023). The implementation of European standards, the development of modern penitentiary facilities and the establishment of a probation system with a focus on shifting from punitive to rehabilitative approaches have all been facilitated by international projects. Furthermore, such projects have provided infrastructure for modern prisons and probation systems during wartime and post-war recovery. The tangible results yielded by projects such as SPERU+ and DECOPRIS have had a beneficial impact on the development of a humane criminal justice system.

Furthermore, notable advancements have been achieved in the integration of forensic expertise into the European judicial system. The development of Ukraine's forensic sector with a European orientation entails the gradual integration of the country's forensic science framework into the European one. The 2024 European Commission Enlargement Package Report, published on October 30, 2024, underscores the necessity for a political conceptualisation of forensic reform that is aligned with international best practices. An important aspect of the institutional reform is the establishment of the Research Centre for Independent Forensic Expertise to support the justice process. The Cabinet of Ministers of Ukraine established this new judicial institution within the Ministry of Justice by Order No. 798-p of September 8, 2023 (The Order of the Cabinet of Ministers of Ukraine "On Establishment of the Research Centre for Independent Forensic Expertise", 2023). The particular focus of this expert institution is the provision of forensic support for high-profile criminal cases that involve significant harm to state or public interests.

Bringing the institution of insolvency receivers in line with EU principles and harmonising national legislation with EU Directive 2019/1023 of June 20, 2019 on the principles of preventive restructuring,

debt relief and forfeiture, as well as measures to improve the efficiency of restructuring, bankruptcy and debt relief procedures, is a strategic priority for the implementation of best European practices in the field of bankruptcy (Directive (EU) 2019/1023 of the European Parliament and of the Council, 2019).

In accordance with the EU Memorandum on macro-financial assistance in 2023 (Memorandum of Understanding between Ukraine as Borrower and the European Union as Lender, 2023), Ukraine has undertaken to enhance its corporate bankruptcy procedures in alignment with the tenets set forth in EU Directive 2019/1023. The EU project "Pravo-Justice" plays a direct role in the analysis of best practices among EU countries and the fostering of dialogue with leading experts in the field of bankruptcy (Project Pravo-Justice, 2023).

It is important to note that bankruptcy procedures, as well as rehabilitation mechanisms, differ from country to country in the EU in terms of specifics, timing, cost and other requirements. Ukraine has already taken successful steps in reforming this area, such as the adoption of the Bankruptcy Code, the enactment of the Law of Ukraine "On Financial Restructuring" and other reforms.

5. Conclusions

In the process of implementing Euro-integration reforms in public administration, it is of the utmost importance to consider the specific activities of public administration entities and to introduce innovations into their operations in a gradual and considered manner. The effectiveness of public administration in Ukraine's justice sector represents a key priority for the Ministry of Justice of Ukraine. The implementation of efficacious measures in public administration will facilitate the successful completion of the requisite "EU homework" and the conclusion of the multifaceted reforms. It is this authors' contention that the development of public administration mechanisms in the context of European integration in justice-related areas remains a topic of considerable relevance, and that it is in need of rigorous academic discourse and further legal analysis.

The process of enhancing the efficiency of the justice sector's functioning in accordance with Euro-integration is a complex and multifaceted endeavour that has witnessed advancements along a number of dimensions. In light of this objective, efforts to enhance the administration of justice can be undertaken in conjunction with the ongoing reforms aimed at aligning the sector with EU standards and norms.

Integrating Ukraine into the European system of public administration in the justice sector will facilitate the implementation of enhanced

mechanisms for the protection of human rights, the provision of legal assistance, the development of electronic services, and the streamlining of access to justice services. The endeavours to guarantee the Euro-integration development trajectory are ongoing and are being undertaken by the relevant entities within the justice sector, including departments, directorates, sectors, working groups, experts, officials, and other stakeholders. This illustrates the efficacy of the coalition that has been established and demonstrates that the public administration system in the justice sector is capable of resilience in times of crisis.

Ukraine's alignment with European Union standards in the justice sector has notable economic implications, as it fosters transparency, combats corruption, and strengthens mechanisms to prevent financial crimes. These reforms facilitate foreign investment, promote sustainable economic growth, and enhance the financial system's resilience. The implementation of digital public services, the assurance of judicial accountability, and the alignment with EU anti-corruption strategies serve to reinforce both the efficacy of governance and the stability of the economy. This, in turn, facilitates recovery and integration with the EU market.

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